



U.S. Department of Justice

*United States Attorney
District of Maryland*

Paul Riley
Assistant United States Attorney
Paul.Riley@usdoj.gov

Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119

DIRECT: 410-209-4959
MAIN: 410-209-4800
FAX: 410-962-3091

July 30, 2020

BY ECF

The Honorable Ellen L. Hollander
United States District Judge
United States District Court
for the District of Maryland
101 West Lombard Street
Baltimore, MD 21201

Re: *United States v. Steven Cole*, Crim. No. ELH-18-167

Dear Judge Hollander:

I write on behalf of the Government in the above-referenced matter to inform the Court that the Government will concede that Defendant's body mass index (BMI) above 30 constitutes an extraordinary and compelling reason warranting a reduction sentence. The Government last night received guidance from the Department of Justice interpreting the updated CDC guidance of June 25, 2020. This CDC guidance broadened the definition of some of the conditions the CDC states are risk factors, including obesity.¹ The Department continues to follow the CDC's guidance in determining whether an "extraordinary and compelling reason" exists.

Nevertheless, for all of the reasons explained in the Government's Response and Sur-Reply, the Court should deny Defendant's motion.

Respectfully submitted,

Robert K. Hur
United States Attorney

/s/

By: Paul A. Riley
Assistant United States Attorney

CC: All counsel (by ECF)

¹ Obesity was previously based on a BMI of 40 and above; the June 25, 2020 guidance amended the BMI threshold to 30 and above.